

### **Remarks**

Applicants amend claim 1 in an effort to more completely claim the present invention and to facilitate prosecution of the application. Specifically, Applicants amend claim 1 to delete the limitation introduced in the last Response and Amendment and to clarify nature of the claimed carrier, solvent or vehicle component. Claim 9 is amended as a formality to overcome the objection raised by the Examiner.

#### ***Claim Rejections With Respect to the Bolich Reference***

The Examiner maintains the rejection of claims 1-8 and 10-16 under 35 U.S.C. § 103(a) as obvious in light of the disclosure of U.S. Patent No. 5,662,892 (Bolich, Jr. et al.). In response to Applicants' previous arguments, the Examiner holds that the Bolich reference is not limited to solutions. The Examiner also fails to give patentable weight to Applicants' assertion that the instantly claimed compositions offer improved film formation.

Applicants respectfully traverse in light of accompanying claim amendments that clarify the nature of claimed carrier, solvent, or vehicle component (b). The Bolich reference teaches hair care compositions that contain a hydrophobic linear random copolymer dissolved in a hydrophobic, volatile, branched hydrocarbon solvent. (See, e.g., col. 2, lines 26-54 and col. 6, line 65 through col. 7, line 25). The solution of the copolymer and hydrocarbon solvent does not read on the pending claims, which do not encompass the hydrophobic, volatile, branched hydrocarbon solvents disclosed by the Bolich reference. Because the Bolich reference fails to teach or suggest Applicants' claimed compositions, which comprise a copolymer dispersed in a carrier, solvent or vehicle component generally selected from water and rapid evaporating solvents, Applicants respectfully assert that the pending claims are both novel and non-obvious over the disclosure of the Bolich reference.

***Objection to Claim 9***

Applicants respectfully believe the amendments offered to claim 9 obviate the Examiner's objection.

In view of the arguments and amendments offered herein, Applicants respectfully submit that the Examiner's grounds for objection and rejection are overcome and respectfully solicit reconsideration and withdrawal of the rejections and allowance of the application.

Respectfully submitted,

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**Version With Markings to Show Changes Made:**

1 (twice amended). A composition in the form of an aqueous emulsion or dispersion, said composition comprising:

- (a) at least one copolymer comprising (i) about 10 to 85 weight percent of (meth)acrylate ester of C<sub>4</sub> to C<sub>18</sub> straight and/or branched chain alkyl alcohol, (ii) about 10 to 70 weight percent of (meth)acrylate ester of a saturated or unsaturated cyclic alcohol containing 6 to 20 carbon atoms; and
- (b) [an aqueous] a carrier, solvent, or vehicle component consisting essentially of: water; water miscible solvents; rapid evaporating solvents selected from the group consisting of hexamethyldisiloxane, cyclic silicones, C<sub>4</sub>-C<sub>10</sub> alkanes, acetone, and hydrofluoroethers; or combinations or mixtures thereof.

said composition [capable of forming hydrophobic film and] used for cosmetic and personal care applications, wherein when said cosmetic application is a hair care composition, said hair care composition does not have a reshapeable effect.

9 (twice amended). The composition of claim 1 [used in cosmetic and personal care applications selected from the group consisting of] in the form of a mascara, foundation, rouge, face powder, eye liner, eyeshadow, lipstick, insect repellent, nail polish, skin moisturizer, skin cream, body lotion, [and] or sunscreen.